

head of the little falls, and extending down along the river; which property is naturally possessed of great and peculiar advantages, in the application of water to mills; for which purpose the plaintiff, and all others, owning lands so situated, have a right to use the waters of the river; that the plaintiff is entitled to certain rights and privileges, under the act of 1784, ch. 33, s. 13, which *The Chesapeake and Ohio Canal Company* deny, oppose, and prevent him from being let into the enjoyment of; although they have succeeded to the rights, and have subjected themselves to the claims and franchises which were demandable from the body politic incorporated by that law; although the canal, made under the authority of the act of 1784, has had admitted into it a sufficiency of water both for navigation and water works, as is evident, from the quantity of waste water now thrown off, in various sluices upon the land of the plaintiff; and although this plaintiff is able and willing, and has offered to agree to contribute to enlarge the canal for the purpose of letting into it an additional supply of water, if it should become necessary.

It is further stated, that the plaintiff is a stockholder in *The Chesapeake and Ohio Canal Company*, the President and Directors of which body politic have commenced and are now engaged in the work of extending the canal, for the making of which their act of incorporation was passed, from a point on tide water, called the old locks, two miles above Georgetown, and easy of access to any sea vessel which can reach Georgetown, to the city of Washington without any legal authority whatever; and to avail themselves of a power they claim of disposing of waste water from the canal, have purchased lands on its illegally extended line below the lands of the plaintiff with an intention to erect water works; or solely with a view to subserve local interests, and to speculate in lands, mill-sites, and water privileges; which illegal extension of the canal, and purchase of land are designed to work a fraud upon the interests of the plaintiff; first, by materially and irreparably injuring, or destroying the natural advantages peculiarly incident, and belonging exclusively to his land, and constituting its chief value; secondly, by materially and irreparably injuring or destroying the rights secured to him by the act of 1784, ch. 33, s. 13; thirdly, by irretrievably depreciating the value of his mill-sites by the formation of others, adjoining to them, along the line of the illegally extended canal; and lastly, by expending the funds of the body politic, including a portion of that which belongs to this plaintiff, as a stockholder, in a way not authorised by their act of incorporation.